

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

In re LYNN DEE HARRINGTON,

Debtor,

LYNN DEE HARRINGTON,

Appellant-Defendant,

v.

EL DORADO COUNTY,

Appellee-Plaintiff.

No. 2:24-03246-DAD

Appeal from the United States Bankruptcy
Court for the Eastern District of California,
Christopher M. Klein, Bankruptcy Judge

Bankruptcy Petition No. 19-26964-A-7

Adversary Proceeding No. 20-02017-C

ORDER GRANTING *EX PARTE*
APPLICATION TO TRANSFER THIS
APPEAL TO THE BANKRUPTCY
APPELLATE PANEL

(Doc. No. 5)

This matter is before the court on appellant’s *ex parte* application to transfer this action to the United States Bankruptcy Appellate Panel of the Ninth Circuit (“the BAP”). (Doc. No. 5.) On November 21, 2024, appellant filed a notice of bankruptcy appeal in this court. (Doc. No. 1.) Appellant also filed an opening letter in this appeal on November 22, 2024. (Doc. No. 2.) On December 6, 2024, appellant filed the pending *ex parte* application to transfer this action. (Doc. No. 5.)

In her *ex parte* application, appellant represents that her counsel had “[b]y error . . . incorrectly completed Part 4” of the notice of appeal and statement of election, and erroneously

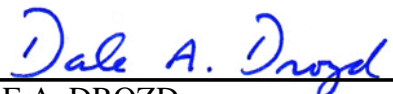
1 selected this appeal to be heard by the United States District Court rather than by the BAP. (Doc.
2 No. 5 at 1.) She further represents that on November 21, 2024, she filed an amended notice of
3 appeal and statement of election which was “amended as to [the] Part 4 Election and changed the
4 election to the [BAP].” (Doc. No. 5 at 2.) A review of the current notice of appeal on this court’s
5 docket verifies that Part 4 of that filing indicates that appellant does not elect to have her appeal
6 heard by this court and instead wishes the BAP to hear her appeal. (Doc. No. 1 at 4.) Appellant
7 states that she “has been advised by the Bankruptcy Court Clerk’s Office staff[] that an
8 application to the United States District Court Judge is required to have the case transferred to
9 [the BAP].” (Doc. No. 5 at 2.)

10 Accordingly,

- 11 1. The appellant’s *ex parte* application to transfer this action to the United States
12 Bankruptcy Appellate Panel of the Ninth Circuit (Doc. No. 5) is granted;
- 13 2. The court hereby transfers this action to the United States Bankruptcy Appellate
14 Panel of the Ninth Circuit;
- 15 3. The court further directs the Clerk of the Court for the Eastern District of
16 California in Sacramento to forward all filings in this action to the United States
17 Bankruptcy Appellate Panel of the Ninth Circuit; and
- 18 4. The Clerk of the Court for the Eastern District of California shall close this case
19 upon completion of the transfer.

20 IT IS SO ORDERED.

21 Dated: **December 6, 2024**

22 
23 DALE A. DROZD
24 UNITED STATES DISTRICT JUDGE
25
26
27
28